

City of Battlefield
Board of Aldermen
Regular Session Meeting Minutes
September 20, 2011

Item 1 Call to order

Mayor Kruse called the meeting to order at 7:00 p.m. Aldermen in attendance were as follows: Stephen Esterline, Shawn Billings, Scott Anderson, and Mike Goldenberg. Alderman Absent: Aldermen Poole and Debra Hickey. Staff present: City Administrator Rick Hess, Police Chief David Vallely, City Attorney Jim Kelly and City Clerk Beth Anne West.

Item 2 Ceremonial Matters

Mr. Randall Moody, Pastor at Wilson's Creek Baptist Church gave the opening prayer. Alderman Esterline led the pledge of allegiance.

Item 3 Announcements

City Administrator Rick Hess noted the City received correspondence from the United States Postal Service regarding the potential consolidation of locations and how this could affect the City in the future. Mr. Hess discussed a positive e-mail received from Bill and Bonnie Clair about the 4th of July celebration. Alderman Anderson from Ward II noted he had a concerned citizen from his ward and he wanted to discuss Mr. Nimmo's concerns. Mayor Kruse stated he also wanted to address Mr. Nimmo's concerns and would like to do so under item 4.

Item 4 Mayor Updates

Mayor Kruse noted Mr. Nimmo had sewer issues and feels it is attributed to AT&T's work on his property. Alderman Anderson explained that Mr. Nimmo would like a letter from the City stating the work done by AT&T could have caused the damage to his sewer line. Alderman Anderson noted he had taken pictures of the broken sewer line and AT&T's line is laid over the sewer line. Alderman Billings asked about the depth of the sewer line. Mr. Hess replied it varies depending on the amount of drop needed to go to the main sewer line. City Administrator Rick Hess explained that Mr. Nimmo had contacted the City to look into his sewer issue because there was a sewer backup into his house. Mr. Hess noted staff had checked the flow by sending water from the manhole above Mr. Nimmo's home to the manhole below and no blockage was noted. Mr. Nimmo wasn't satisfied so the flow was tested again with an estimated 250 gallons of water that had a non-toxic dye in it that reflected good flow. Mr. Nimmo was informed by staff the blockage was on his side of the line and would need to be repaired by a professional. Mr. Hess noted that Mr. Nimmo did not like this answer, so he contacted the Mayor. Mr. Hess noted he felt it was not the City's place to get involved with preparing a letter as Mr. Nimmo had discussed with Alderman Anderson, because the City could not say for certain the work done by AT&T caused the damage to the sewer line and the letter could have repercussions, if sent by the City. Mr. Hess explained he had kept the Mayor and the City Attorney aware of the issue Mr. Nimmo was having with the sewer line. City Attorney Jim Kelly stated this is a cause and effect situation and the City is not aware of the cause. Mr. Kelly stated that with a line breakage like this tree roots are the most common occurrence. Mr. Kelly noted the City does not have jurisdiction over the homeowner's sewer line. Mayor Kruse stated he felt comfortable with the wording of the letter sent to Mr. Nimmo stating the sewer issue was Mr. Nimmo's responsibility and it would be best for a licensed plumber to review the sewer line than to have the City guess at what had occurred to break the line instead of implying it was AT&T's fault. Easements were discussed and it was noted that utilities have rights to work on their utilities at any time without the notification or consent of the property owner.

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Item 5 City Administrator Updates

City Administrator Rick Hess noted the internet was down but the City was able to get a temporary fix and the City recently received an upgrade to the City's internet from Windstream and a new router would be needed to make the system function again. Mr. Hess updated the Board on the check valve at Regional which had a premature failure and would cost a little under \$2,400.00 to be replaced and since the City cannot have the sewer pump down for long and it is estimated to cost about \$400-\$500 for shipping and the cost to install is unknown at this time. Mr. Hess noted the walls will need to be cleaned since the failure let sewage spew onto the walls of the dry well. Alderman Esterline asked if this part was something the City would keep on hand. Mr. Hess replied this part normally lasts between 40-50 years. Mayor Kruse reiterated he had viewed the place in question and it would be hard to keep all those parts on hand. Mr. Hess stated that specific part might not be needed for another 20 years and he hopes the part will be installed by Thursday, so the pumps can be working again. Mr. Hess stated the City had received 2 scholarships for the GOLD leadership program for participants City Clerk Beth West and Alderman Goldenberg to begin in October. Mr. Hess stated that he and the Mayor attended this training and noticed other Cities were sending their City Clerks since they are the hub of the City and it could be beneficial. Mr. Hess noted that the Mayor would be attending another training opportunity later in the year in Jefferson City.

Item 6 Adoption and Approval of Consent Agenda

Motion was made by Alderman Billings to adopt and approve the Consent Agenda items a-g including the following: September 6, 2011 public hearing minutes-Redistricting; September 6, 2011 public hearing minutes-Annexation of Property-3645 W. F.R. 178; September 6, 2011 regular session minutes; September 6, 2011 executive session minutes; Bills paid in the amount of \$42,049.21, Bills to approve in the amount of \$4,683.18; and Committee and employee reports. Motion was seconded by Alderman Esterline. A roll call vote was taken and the vote was 4 Ayes: Mike Goldenberg aye, Scott Anderson aye, Shawn Billings aye, and Stephen Esterline aye. 0 Nays. Alderman Poole and Hickey were absent for the vote. Motion approved.

Item 7 Public Input

None.

Item 8 Unfinished Business

None.

Item 9a Discussion and Possible Vote Concerning Bill #11-18, an ordinance repealing ordinance No. 02-040 and enacting a new ordinance relating to the division of the city into three wards and setting forth the geographical descriptions of each.

Motion was made by Alderman Billings to have the first reading of Bill #11-18 by title only. The motion was seconded by Alderman Goldenberg. A roll call vote was taken and the vote was 4 Ayes-Stephen Esterline aye, Shawn Billings, Scott Anderson and Mike Goldenberg. 0 Nays. Aldermen Poole and Hickey were absent for the vote. Motion approved. The bill was read by City Clerk Beth Anne West by title only for the first time. Motion was made by Alderman Billings to approve the first reading of Bill #11-18 by title only. The motion was seconded by Alderman Goldenberg. A roll call vote was taken and the vote was 4 Ayes- Mike Goldenberg aye, Scott Anderson aye, Shawn Billings aye, and Stephen Esterline aye. 0 Nays. Aldermen

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Poole and Hickey were absent for the vote. Motion approved. Motion was made by Alderman Goldenberg to have the second reading of Bill #11-18 by title only. The motion was seconded by Alderman Billings. A roll call vote was taken and the vote was 4 Ayes-Stephen Esterline aye, Shawn Billings aye, Scott Anderson aye and Mike Goldenberg aye. 0 Nays. Aldermen Poole and Hickey were absent for the vote. Motion approved. The bill was read by City Clerk Beth Anne West by title only for the second time. Motion was made by Alderman Billings to approve the second reading of Bill #11-18 by title only and to make it ordinance #11-18. The motion was seconded by Alderman Anderson. City Administrator Rick Hess noted there was equal population of about 3% for each ward. City Attorney James Kelly noted the courts require 10%. A roll call vote was taken and the vote was 4 Ayes-Stephen Esterline aye, Shawn Billings aye, Scott Anderson aye, and Mike Goldenberg aye. 0 Nays. Alderman Poole and Hickey were absent for the vote. Motion approved.

Item 9b Discussion and Possible Vote to Approve of Donation of 9 used Police Ballistic Vests to Drury University for Training for their Academy Students.
Alderman Esterline asked if the vests were used currently. City Administrator Rick Hess noted the vests usually last about 5 years and after they are of no use, so they can be used for training purposes or disposed of. Mr. Hess noted the vests have accumulated over time and now they need to be disposed of and/or donated. Motion was made by Alderman Goldenberg to approve the Donation of 9 Used Police Ballistic Vests to Drury University for Training for their Academy Students. The motion was seconded by Alderman Billings. A roll call vote was taken and the vote was 4 Ayes- Mike Goldenberg aye, Scott Anderson aye, Shawn Billings aye, and Stephen Esterline aye. 0 Nays. Aldermen Poole and Hickey were absent for the vote. Motion approved.

Item 9c Discussion and Possible Vote to Approve Mulch Bids for Park.
Mr. Hess noted a specific type of mulch must be used in the park to keep kids safe and the minimum amount to maintain in the park area is 4". Mr. Hess noted this is the second time to add to the existing mulch and the price savings noted the information provided is well worth it. Motion was made by Alderman Esterline to approve Mulch Bids for the Park in an amount not to exceed \$3500.00, from Phillips Mulch Sales of Raytown, MO.
Alderman Hickey entered the meeting at 7:47 p.m. The motion was seconded by Alderman Billings. A roll call vote was taken and the vote was 5 Ayes-Stephen Esterline aye, Shawn Billings aye, Scott Anderson aye, Mike Goldenberg and Debra Hickey aye. 0 Nays. Alderman Poole was absent for the vote. Motion approved.

Item 9 d Discussion and Possible Vote to Approve Commercial Building Design Regulations.
City Administrator Rick Hess noted the Planning and Zoning Commission had been working on the design regulations for Commercial Building for a while and had a public hearing so the next step was to obtain authorization from the Board to present an ordinance for approval in the near future. Mr. Hess explained that existing commercial structures would not be affected unless they are renovating then they would have to comply with the new regulations, so it would not be retroactive. Mr. Hess explained where the City's Commercial Corridor and how it would be best to have this in place before more growth occurs. Mr. Hess commented the building materials required would be of a more permanent nature. Mr. Hess stated he had reviewed a number of cities regulations for reference and both Republic and Springfield has similar regulations. Alderman Anderson left the meeting at 7:58 p.m. Alderman Anderson entered the meeting at 8:00

